

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Charminar Biryani House, a Michigan limited
liability company,

Case No. 2:22-cv-11747
Hon. Judge Mathew F. Leitman

Plaintiff,

v.

Charminar Biryani House, an unincorporated entity,
Rajesh Chelieveru, an individual,

Defendants.

**PLAINTIFF’S FIRST AMENDED COMPLAINT AND DEMAND FOR
JURY**

Now comes Plaintiff, Charminar Biryani House, L.L.C., a Michigan limited liability company (hereinafter referred to as “Plaintiff”), by and through its counsel, Detroit Metro Law, PLLC, and for its First Amended Complaint¹ against Charminar Biryani House, an unincorporated entity (“CBH”), and Rajesh Chelieveru, the owner and/or operator of Charminar Biryani House (collectively hereinafter referred to as “Defendants”), and states as follows:

PARTIES

¹ First Amended Complaint strictly updates the unknown defendant’s identity by replacing “John Doe” with Rajesh Chelieveru.

1. Plaintiff is incorporated in the state of Michigan and all its members are citizens of the state of Michigan.

2. CBH is a restaurant operating at address commonly referred to as 3337 Greenfield Rd, Dearborn, MI 48120.

3. Upon information and belief, Rajesh Chelieveru is the owner and/or operator of CHB.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 USC §1331, as the primary action stems from a federal question arising out of the “Lanham Act”, 15 U.S.C. §§ 1051 et seq.,

5. Venue is proper under 28 U.S. Code § 1391 as the parties are citizens of and reside in the Detroit-Metro area in Michigan.

INTRODUCTION

6. Plaintiff is an owner of two restaurants referred to as Charminar Biryani House.

7. Plaintiff has been operating in Michigan since April of 2017.

8. Plaintiff services variety of Indian, Pakistani and Bangladeshi (South Asian) dishes, but specializes in Biryani.

9. Biryani is a special rice dish often in varying colors served with chicken, meat, fish or vegetables.

10. Plaintiff's logo contains an orange color scheme with an image of a "Minaret", which resembles top of a mosque and has served as landmark symbol for the Islamic faith.



11. Defendants started operating CBH at 3337 Greenfield Rd., Dearborn, MI 48120 on or about June 3, 2019.

12. Defendants used the exact same name to identify their restaurant "Charminar Biryani House".

13. The only distinction being Defendants added the word "cuisine" instead of "restaurant" following the descriptive (less prominent) part of the logo.

14. Defendants also serve variety of Indian, Pakistani and Bangladeshi (South Asian) dishes, but specialize in Biryani.

15. Defendants' logo also contains an orange color scheme with an image of a "Minaret".



16. Plaintiff's distinctive mark and logo have received brand and name recognition prompting the opening of a second location in 2022.

17. Separately, Plaintiff's logo also utilizes the same color scheme and images of minaret.

18. "Charminar Biryani House" is a distinct, valid and protectable mark, especially due to the inclusion of "Charminar".

19. Defendants improper use of Plaintiff's mark and logo have caused monetary and irreparable harm to Plaintiff.

COUNT I
Lanham Act - 15 U.S.C. §(s) 1125(a)

20. Plaintiff restates the allegations contained in the preceding paragraphs as if fully stated herein.

21. Plaintiff established its restaurant and "Charminar Biryani House" name, symbol and overall brand ("Mark") by providing exceptional services and recognition in the Detroit Metropolitan area.

22. Defendants adopted Plaintiff's Mark causing confusion and/or deception to the general public and Plaintiff's customers.

23. Defendants product(s) – lacking in same quality and taste – further tarnishes and diminishes Plaintiff's product and reputation.

24. Plaintiff frequently receives call from customers about orders placed with Defendant while they intended to place such orders with Plaintiff.

25. Defendant's conduct of copying and adopting Plaintiff's Mark is a violation of the Lanham Act. 15 U.S.C. §(s) 1125(a).

26. Due to such violation, Defendants are liable to Plaintiff's for any monetary harm caused by such violation. *Id.*

WHEREFORE, Charminar Biryani House, LLC, respectfully requests this Court enter a judgment in favor of Charminar Biryani House, LLC and against Defendants, jointly and severally, in an amount to be determined, plus any interest, attorney's fees, and costs of this action.

COUNT II
Injunction - 15 U.S.C. §(s) 1125(c)

27. Plaintiff restates the allegations contained in the preceding paragraphs as if fully stated herein.

28. Plaintiff established its restaurant and "Charminar Biryani House" Mark by providing exceptional services and developing recognition in the Detroit Metropolitan area.

29. Defendants adopted Plaintiff's Mark causing confusion and/or deception to the general public and Plaintiff's customers.

30. Plaintiff frequently receives call from customers about orders placed with Defendant while they intended to place such orders with Plaintiff.

31. Pursuant to 15 U.S.C. §(s) 1125(c), this court may grant an injunction against Defendants preventing them from continuing to use the Mark “Charminar Biryani House”.

32. To avoid further harm to Plaintiff’s Mark and reputation, the injunction is justified.

WHEREFORE, Charminar Biryani House, LLC, respectfully requests this Court enter an order in favor of Charminar Biryani House, LLC and against Defendants, jointly and severally, preventing them from further utilizing “Charminar Biryani House” as their Mark and logo.

COUNT III
Unfair Competition – Michigan Common law

33. Plaintiff restates the allegations contained in the preceding paragraphs as if fully stated herein.

34. Plaintiff established its restaurant and “Charminar Biryani House” name, symbol and overall brand (“Mark”) by providing exceptional services and recognition in the Detroit Metropolitan area.

35. Defendants adopted Plaintiff’s Mark causing confusion and/or deception to the general public and Plaintiff’s customers.

36. Plaintiff frequently receives call from customers about orders placed with Defendant while they intended to place such orders with Plaintiff.

37. Due to such conduct, Defendants are liable to Plaintiffs under Michigan law for unfair competition.

WHEREFORE, Charminar Biryani House, LLC, respectfully requests this Court enter a judgment in favor of Charminar Biryani House, LLC and against Defendants, jointly and severally, in an amount to be determined, plus any interest, attorney's fees, and costs of this action.

DEMAND FOR JURY

Plaintiffs hereby demand a trial by jury in the above-entitled action.

Respectfully submitted,

DETROIT METRO LAW, PLLC

/s/ Yasir Muhammad

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Dated: August 18, 2022